

Remarks

Claims 21-34 are pending.

Claims 21-34 were rejected under 35 USC 102(e) are being anticipated by Fayad et al. (US Patent No. 6,757,250).

In the office action, it is stated that Fayad teaches that the negotiation on a second leg is held until the negotiation of the working parameters is completed on the first leg. The working parameter addressed in Fayad seems to be directed to the 'reliable data link protocols,' (see col. 6, lines 43-44) and error correction (see col. 7, lines 4-19). While data compression is mentioned, it does not appear to be the working parameters negotiated between the modems and their respective gateways.

Further, Fayad teaches a method of establishing communications between a modem 302 and a gateway 306 and a modem 304 and a gateway 308. Fayad mentions that once each leg is established, the two legs may be harmonized by exchanging XID frames, and that each leg may continue to exchange XID frames until the working parameters are harmonized.

As amended, claims 21, 28, 30 and 33 require that the two legs establish their connections independently, and then a selection is made to select one of the two compression rates, and the selection is communicated to the leg not using the selected rate. For example, as amended, claim 21 states, "comparing the first maximal data compression and the second maximal data compression; selecting an end-to-end maximal data compression from the first and second maximal data compressions; renegotiating only an unselected one of the first and second maximal data compressions..." This language is supported in the specification on pp. 10-12.

This is not shown, taught or suggested by Fayad. Indeed, the one reference made to 'harmonization' in Fayad, at col. 8, line 57 through col. 9, line 2, refers to 'further exchanges,'

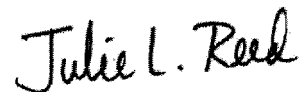
meaning that several XID frames are exchanged between the two modems until the working parameters are harmonized. There is no selection mechanism that can harmonize between different compression rates and therefore avoid multiple messages to renegotiation compression rates.

It is therefore submitted that claims 21, 28, 30 and 33, and their respective dependent claims 22-27, 29, 31-32 and 34 are patentably distinguishable over the prior art and allowance of these claims is requested.

No new matter has been added by this amendment. Allowance of all pending claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,



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